

HOLDEN AT LUSAKA

(Civil Jurisdiction)

JONAS TEMBO AND OTHERS

Appellants

and

BANK OF ZAMBIA

Respondent

CORAM: Chaila, Chirwa and Muzyamba JJ.S.

30th September, 1997

For the Appellants : Mr. C.K. Banda of Chifumu Banda and Associates, Lusaka

For the Respondent : Mr. J. Mensah of A. Chimota Chambers, Lusaka

J U D G M E N T

Chaila J.S. delivered the judgment of the court.

The appellants were employees of the Bank of Zambia and were declared redundant after an agreement between their Union and the Bank. The employees took the Bank to the Industrial Relations Court on the interpretation of the Collective Agreement and payments made to them. The lower court made a decision in their favour and ordered that the effective date of redundancy should be 10th August, 1994 and that they should be paid salaries and allowances applicable at that time. The Bank did not appeal against that judgment. They went and made payments which did not satisfy the judgment of the lower court. The employees went back to the Industrial Relations Court to complain that the Bank had not complied with the judgment. The lower court gave a different interpretation and declared that the Bank was right in making payments which it had done. The employees being unhappy with that interpretation appealed to this court. Mr. Mensah, the Advocate for the Bank has conceded to the fact that the Bank never appealed against the first judgment of the lower court and that the judgment was still enforceable. He has taken a very wise course. The first

judgment was never appealed against and is still enforceable. The Bank was therefore in error in calculating the redundancy package outside the judgment. By consent this appeal is allowed. The finding of the lower court is set aside and we order that the first judgment be satisfied and be complied with. As the Bank did concede to this appeal we make no order as to costs.

.....
M.S. Chaila
SUPREME COURT JUDGE

.....
D.K. Chirwa
SUPREME COURT JUDGE

.....
W.M. Muzyamba
SUPREME COURT JUDGE